



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/500,181	12/02/2004	Perry L. Johnson	PJ10105PUSA	5335
22045 7590 04/04/2008 BROOKS KUSHMAN P.C. 1000 TOWN CENTER TWENTY-SECOND FLOOR SOUTHFIELD, MI 48075				
EXAMINER GOTTSCHALK, MARTIN A				
ART UNIT		PAPER NUMBER		
3696				
MAIL DATE		DELIVERY MODE		
04/04/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/500,181

**Applicant(s)**

JOHNSON, PERRY L.

**Examiner**

MARTIN A. GOTTSCHALK

**Art Unit**

3696

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 June 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-893)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_\_

### DETAILED ACTION

1. Claims 1-15 have been examined.

#### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. Claims 1-9 and 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ooya et al (PG Pub# 2001/0034611) in view of Cirulli et al (US Pat# 5,664,183).

- A. As per claim 1, Ooya teaches a method for auditing a customer for compliance with a quality standard (Ooya: abstract), the method comprising:

reviewing a quality system for compliance with the quality standard (Ooya: [0017]);

analyzing the quality system to identify at least two improvements to be made based on knowledge and judgment of an auditor (Ooya: [0062], i.e. "reduce the number of employee work hours" and "reduce the costs");

Ooya fails to explicitly teach

communicating the at least two improvements to the customer.

However this feature is taught by Cirulli, who teaches the use of collaboration tools ("groupware") for distribution of quality audit materials among a group of users (Cirulli: col 8, ln 55 to col 9, ln 15; Figs 4-6, note in particular the steps utilizing "Lotus Notes").

It would have been obvious at the time of the invention to one of ordinary skill in the art to incorporate the teachings of Cirulli into the method of Ooya with the motivation of reducing the time for the collection and integration of documentation of ISO 9000 requirements generated by groups of people within an organization (Cirulli: col 1, lns 58-65).

Note: The motivation to combine the Ooya and Cirulli in subsequent claim rejections is the same as provided for claim 1.

B. As per claims 2-4, Ooya fails to explicitly teach these features, however, they are taught by Cirulli who teaches

(claim 2) the method of claim 1 wherein the step of analyzing comprises analyzing complexity of the quality system to identify redundancies (Cirulli: Fig 2; col 4, lns 10-40).

(claim 3) the method of claim 2 wherein at least one of the at least two improvements includes a method to reduce the complexity to eliminate redundancy (Cirulli: Fig 2; col 4, lns 10-40).

(claim 4) the method of claim 2 wherein at least one of the at least two improvements includes clarifying the quality standard (for all three claims, see Cirulli: Fig 2; col 4, lns 10-40 where the group editing process is considered to be a type of complexity reduction and elimination of redundancy. In other words, the initial group responses are relatively complex, the agreed upon, edited version is concise, having eliminated redundancies – among other things – in the group responses).

C. As per claim 5, Ooya fails to teach this feature however Cirulli teaches the method of claim 1 further comprising

requiring auditors to participate in periodic training sessions (Cirulli: Fig 2; col 4, Ins 10-40, reads on "educational exercise").

D. As per claim 6 and 7, Ooya teaches the method of claim 5 wherein the auditors participate via

(claim 6) video conference (Ooya: [0017]).

(claim 7) teleconference ( see Ooya: [0017]).

Ooya failst to teach parcipating in training by video and teleconference. However, Cirulli, as per claim 5, teaches participation in auditor training sessions. The conferencing techniques of Ooya could have been combined with the training of Cirulli by one of ordinary skill in the art at the time of the invention.

E. As per claims 8 and 9, Ooya fails to teach these features however Cirulli teaches the method of claim 5 wherein the training is directed to

(claim 8) the quality standard (Cirulli: Fig 2; col 4, Ins 10-40)

(claim 9) interpersonal skills (Cirulli: Fig 2; col 4, Ins 10-40, where the group editing process is a type of training in interpersonal skills).

F. As per claim 13, Ooya teaches the method of 1 further comprising:

gathering technical information related to a particular industry classification prior to an audit; and requiring an auditor to demonstrate an understanding of the technical information related to the particular industry prior to the audit (Ooya: [0017], clarifying questions are asked subsequent to the preliminary audit).

G. As per claim 14, Cirulli teaches the method of 13 wherein the step of requiring an auditor to demonstrate an understanding of the technical information includes requiring the auditor to pass a test covering the technical information (Cirulli: col 4, Ins 52-55).

H. As per claim 15, Ooya discloses the method of 13 further comprising

providing an assistant auditor to accompany a primary auditor wherein at least the assistant auditor is required to demonstrate an understanding of the technical information (Ooya: [0062], i.e. "education sessions for improving...techniques of auditors...).

Art Unit: 3696

5. Claims 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ooya in view of Cirulli as applied to claim 1 above, and further in view of Pavone (PG Pub# 2003/01911687).

A. As per claim 10. Cirulli teaches the method of claim 1 further comprising:

providing technical and/or engineering training for the sales representatives prior to in-person customer solicitation (Cirilli: col 2, reads on "education").

Ooya and Cirulli fail to teach

recruiting sales representatives with commissioned sales experience to solicit customers,

However, this feature is taught by Pavone (Pavone: [0016]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to include the teachings of Ooya and Cirulli with the teachings of Pavone with the motivation of automating the recruitment of personnel (Pavone: [0018]).

Note: The same motivation applies for claims 11 and 12.



- B. As per claim 11, Pavone teaches the method of 10 wherein

the technical and/or engineering training is provided at a central location for a predetermined period of time during which any customer solicitation is performed telephonically (Pavone: [0044]; Fig 4).

- C. As per claim 12, Pavone teaches the method of 10 wherein the step of recruiting comprises

recruiting sales representatives with at least four years of commissioned sales experience (Pavone: [0040]).

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited but not applied prior art teaches a variety of quality audit procedures (Pat and PG Pub#s 5,671,360, 2002/0099638, 2002/0120491, 2002/0138377).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARTIN A. GOTTSCHALK whose telephone number is (571)272-7030. The examiner can normally be reached on Mon - Fri 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Dixon can be reached on (571) 272-6803. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/THOMAS A DIXON/  
Supervisory Patent Examiner, Art  
Unit 3696

/M. A. G./  
Examiner, Art Unit 3696